



CENTRAL INTELLIGENCE AGENCY

WASHINGTON 25, D. C.

OFFICE OF THE DIRECTOR

OGC Has Reviewed

The Honorable Lindsay C. Warren
Comptroller General of the United States
Washington 25, D. C.

Dear Sir:

With reference to the oath of office required in connection with employment in the Federal service, section 206 of the act of June 26, 1943, 57 Stat. 196, 5 U.S.C. 16a, provides that:

"Hereafter any officer or employee of any of the executive departments ... designated in writing by the head thereof for such purpose, is hereby authorized to administer the oath ..."

It is our understanding that this provision has consistently been construed as not permitting redelegation unless there is specific statutory provision to that effect (29 Comp. Gen. 386). It is our further understanding that it has been standard practice in the Government to make the designations authorized in the statute by name to individuals rather than to titles or positions in offices.

We are not aware of a specific decision from your office on this point, but the two rules set forth above when brought together require that each time there is a change in designated personnel, the head of the Agency must personally make a new authorization. This perhaps is more burdensome to us than to the standard agency as special security considerations have required a degree of separation in the employing function. This function is, however, under careful control and we believe it would be sound practice to relieve the Director of the necessity for signing each of these designations.

We would appreciate your ruling on two points:

(1) Would it be appropriate for the Deputy Director for Administration, who is a deputy to the Director of Central Intelligence, to sign the designation?

(2) Would it be permissible to designate appropriate officials by title rather than by name so that changes in incumbents would not necessitate a redesignation?

Sincerely,